

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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|--|---|---------------------------|
| Illinois Bell Telephone Company |) | |
| |) | |
| v. |) | Docket No. 04-0606 |
| |) | |
| 1-800 Reconex, Inc., et al. |) | |
| |) | |
| Complaint pursuant to Section 10-108 of the |) | |
| Illinois Public Utilities Act, 220 ILCS 5/10-108, |) | |
| and 83 Illinois Administrative Code 200.170 |) | |

**STAFF OF THE ILLINOIS COMMERCE COMMISSION’S
MOTION FOR LEAVE TO FILE ITS RESPONSE, *INSTANTER***

NOW COMES the Staff of the Illinois Commerce Commission (“Staff”), by and through its attorneys, and for its Motion for Leave to File its Response to the motions to dismiss and other motions filed by ACN Communications Services, Inc., *et al.* (“ACN *et al.*”)¹; American Farm Bureau, Inc. (“American Farm”); Easton Telecom Services, Inc. (“Easton”); Global Crossing Local Services, Inc. (“Global Crossing”); the Joint CLECs (“Joint CLECs”)²; a second group also calling itself the Joint CLECs (“Access One *et al.*”)³; Home Telenetworks, Inc. (“Home”); Madison River Communications LLC

¹ This group includes ACN Communications Services, Inc.; BullsEye Telecom, Inc.; DSLnet Communications, LLC; Globalcom, Inc.; Looking Glass Networks, Inc.; Neutral Tandem-Illinois, LLC; and RCN Telecom Services of Illinois, Inc.

² The Joint CLECs include: AT&T Communications of Illinois, Inc., TCG Illinois and TCG Chicago (collectively, “AT&T”); Cbeyond Communications, LLC; First Communications, LLC; ICG Communications, Inc.; KMC Telecom V, Inc.; Nuvox Communications of Illinois, Inc.; LDMI Telecommunications, Inc.; Talk America Inc.; New Edge Network, Inc.; Nii Communications, Ltd.; US Xchange of Illinois, d/b/a Choice One Communications; Z-Tel Communications, Inc.; Grid4 Communications, Inc.; MTCO Communications, Inc.; McLeodUSA Telecommunications Services, Inc.; TDS Metrocom, LLC; Adams TelSystems, Inc.; Allegiance Illinois, Inc.; and OnFiber Carrier Services, Inc.

³ The second group of Joint CLECs includes: Access One, Inc.; BitWise Communications, Inc.; CIMCO Communications, Inc.; Forte Communications, Inc.; Grid 4 Communications, Inc.; Intrado Inc.; MidWest Telecom of America, Inc.; Mpower Communications Corporation; Novacon Holdings LLC; Royal Phone Company LLC; and King City Telephone, LLC.

("Madison River"); McLeodUSA Telecommunications Services, Inc. ("McLeodUSA")⁴; Now Communications, Inc. ("Now"); NuVox Communications of Illinois, Inc. ("NuVox"); Poltel, LLC; Qwest Communications Corp. and Qwest Interprise America, Inc. ("Qwest"); TDS Metrocom, LLC⁵; Think 12 Corp. d/b/a Hello Depot ("Think 12"); XO Illinois, Inc.; and OnFiber Carrier Services, Inc., states as follows:

1. On October 4, 2004, SBC Illinois filed a complaint pursuant to Sections 13-108 and 4-101 of the Public Utilities Act against 144 competitive telecommunications carriers as named defendants. 220 ILCS 5/13-108; 220 ILCS 5/4-101. On October 18, 2004, a status hearing was held and the Administrative Law Judge issued an order that: (1) required SBC Illinois to file an amended complaint, and (2) set a schedule for (i) Defendants to file motions to dismiss and/or answer the amended complaint, (ii) SBC Illinois and Staff to respond to Defendants' motions, and (iii) Defendants to reply to SBC Illinois and Staff's responses.

2. Staff's Response to Defendant's Motions was to be filed on November 8, 2004, 7 days after the time allowed for Defendants to file their motions to dismiss. Counsel for Staff inadvertently miscalculated the time for the filing of its Response. The late filing of Staff's Response will in no way prejudice any party to this proceeding.

⁴ McLeodUSA also joined the Joint CLEC motion.

⁵ TDS Metrocom, LLC also joined the Joint CLEC motion.

WHEREFORE, Staff moves for leave to file its Response, pursuant to 83 Admin.
Code 200.190, *instante*.

Respectfully submitted,

By: _____
One of its attorneys

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